GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal petition filed by Sri Elika Ramesh S/o Rupas, Gandhi Nagar, Chirala (M), Prakasam District against the proceedings dated: 07.01.2009 of the Collector, Prakasam in cancelling his ST 'Yanadi' Community Certificate under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.26.

Dated: 27.10.2021
Read the following:-

1. Proceedings of the District Collector, Prakasam, Rc.No.C4/50/200, dt.07.01.2009.
2. Appeal petition filed by Sri Elika Ramesh S/o Rupas, Gandhi Nagar, Chirala(M), Prakasam District.
3. Govt.Memo.No.687/CV2/2009, S.W.(CV2) Dept, dt.29.01.09 and the reminders thereon.
4. From the Dist. Collector, Prakasam, Lr.Rc.C4/1016/2010, dt.09.10.2010.
5. Govt. Memo No.687/CV2/2009, S.W.(CV2) Dept, dt.31.03.12, 13.11.2015, 01.06.2017, 30.06.2017, 08.08.2018, 17.09.2018, 27.12.2018, 09.01.2019, 09.10.2019, 09.10.2020, 17.11.2020, 07.07.2021 & 04.08.2021.

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ORDER:

In the Proceedings 1st read above, the District Collector, Prakasam has issued orders cancelling the ST 'Yanadi' Community Certificate issued to Sri Elika Ramesh S/o Rupas, Gandhi Nagar, Chirala (M), Prakasam District.

2. Sri Elika Ramesh S/o Rupas has filed Appeal Petition before the Government against the Proceedings of the District Collector, Prakasam duly submitting grounds in support of his claim of ST 'Yanadi' Community Certificate and prayed to set aside the proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government while admitting the same and granted stay on the operation of the District Collector, Prakasam and have called for the Para-wise remarks on the grounds filed by the Appellant along with connected records from the District Collector in Memo 3rd read above.

3. In the letter 4th read above, the District Collector, Prakasam has furnished para-wise remarks along with connected records on the Appeal Petition filed by Sri Elika Ramesh S/o Rupas.

4. The said Appeal Petition has been posted for hearings on 10.04.2012, 28.11.2015, 17.06.2017, 15.07.2017, 05.08.2017, 18.08.2018, 06.10.2018, 09.02.2019, 19.10.2019, 28.11.2020, 24.07.2021, 23.08.2021 before the Hon'ble Appellate Authority duly informing the same to the Appellant and the Counsel for the Appellant in the Memos 5th read above. The appellant and his counsel have not attended the last hearing i.e., on 23.08.2021. Hence, the case has been treated as heard by the appellate authority, and on perusal of the records/ the copies of evidences/ academic record/ grounds filed by the Appellant and proceedings of the District Collector, Prakasam, dated 07.01.2009 and further the para-wise remarks submitted by the District Collector, Prakasam, the Appellate authority has observed that;

I. The grounds put-forth by the appellant in support his claim of "ST Yanadi" community are as follows:

   i. The Impugned order is illegal, contrary to legal position and rules of A.P. (SC, ST and BC) Act, 1993 and against the principles of natural justice.

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ii. The order is capricious and vague and is without reason.
iii. The impugned order is contrary to all cannons of law & devoid of merits and hence liable to be set aside.
iv. That the findings reached by the Court below are perverse, it has acted upon conjectures and surmises.
v. That the other grounds would be urged at the time of hearing.

II. The District Collector, Prakasam has furnished the following remarks on the above grounds as follows:

i. On the complaint received on the ST Yanadi community certificate of Sri Elika Ramesh S/o Rupas that he is native of Burlavaripalem village of Chirala Mandal has reportedly obtained ST 'Yanadi' caste Scheduled Tribe certificate from the M.R.O., Chirala, though the individual belongs to 'Yadava' caste, the case is called for enquiry before the District Level Scrutiny Committee (DLSC).
ii. The Tahsildar, Chirala has enquired and reported that Elika Ramesh is residing at Burlavaripalem village and he belongs to YADAVA caste and his father Rupas having two sons and one daughter. Elika Suraiah and Elika Rupas are sons of Musalaiah who are residents of Burlavaripalem village and belongs to Yadava caste. The children of Suraiah got marriage in Yadava caste.
iii. Melika polaiah and Melika Manikya Rao, sons of Subba Rao who belongs to Yanadi caste and residing in Chirala area since 50 years, have don't know the relationship with Elika Rupas family, except the information given to them by Elika Ramesh.
iv. The Tahasildar has also reported that, the surname ELIKA belongs to YADAVA caste in the said area. But, the individual managed to record the caste as yanadi in the school record, Degree T.C., Caste certificate No.254/2005, dtd:28.10.2005 [self], copy of service register, and letters from Upa sarpanch of Eepurupalem panchayat, Sarpanch of Burlavaripalem panchayat, Sarpanch of Gavinivaripalem panchayat, and 3rd Ward Member of Chirala Municipality.
v. According to the school records from 1st class to degree, service register and other documents of Sri Elika Ramesh, his surname was mentioned as Elika. His brother Elika Ravi, S/o Rupas is also a Railway employee, his surmname is also recorded as Elika. Sri Elika Ramesh married Bhavani D/o Gunnam Gangaiah S/o Panakalu Yanadi by caste, residents of Gandhi Nagar area, to project his claim as belonging to Yanadi. The individual tried to establish his relationship with Melika Polaiah and Melika Manikya Rao, sons of Subba Rao who are residing at Thotavaripalem area since 50 years, but they have denied the said relationship and stated that, Elika Ramesh and his father Elika Rupas are not known to them prior to three years. They are not inviting to their marriages and other ceremonies etc. Gunnam Gangaiah and Saraswathi, who are said to be parents of Bhavani, the second wife of E.Ramesh, are also not known to them.
vi. Sri E.Ramesh has produced forged document of his father's school admission register of K.M.P.A. U.P. School, Ujilipeta of Chirala Mandal, to prove that his father's caste is Yanadi. Later, the Head Mistress of Smt E.Marthamma, whose signature is affixed on the record sheet, denied that it is her signature, and confirmed that the record sheet was not issued to him. Sri Elika Rupas at the age of 58 years, has obtained caste certificate No.280/2007, dated:06.01.2007 as MELIKA RUPAS S/o Muneiah as Yanadi caste ST from the M.R.O., Chirala with malafide intention, to establish his sons caste as Yanadi. The letters from Upa sarpanch of Eepurupalem panchayat, Sarpanch of Burlavaripalem panchayat, sarpanch of Gavinivaripalem panchayat, and 3rd ward member of Chirala Municipality are not factual and fabricated and hence not taken into account. The individual has also got married with Bhavani D/o Gangaiah, which is a second marriage (Bigamy) and is against the A.P. Civil Service (Conduct) Rules, 1964 under Rules, 25(1) that, no Government employee who has a

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living wife, shall contract another marriage without obtaining the permission of the Government. As per the Hindu Marriages Act, 1955 provisions U/s 17, the second marriage is not acceptable.

vii. The claim of the individual that school authorities have erroneously wrote his surname in the record as Elika instead of Melika is not true. The appellant has attend before the D.L.S.C. on 03.05.2007 and 19.05.2007 and recorded his statements. On the statements, he signed as E.Ramesh, if the appellant's version is correct he should have signed as M.Ramesh, but not E. Ramesh. It is only an after thought i.e., After filing complaint dtd:04.12.2006 on the Community status of Sri Elika Ramesh, Sri ELIKA Rupas [father] at the age of 58 years, has managed to obtain a fictitious caste certificate No.280/2007, dated: 06.01.2007 as MELIKA Rupas S/o Muneiah as belonging to Yanadi caste ST from the Mandal Revenue Officer, Chirala with malafide intention, to falsely establish that his son's caste as Yanadi. Hence, the order of the District Collector, Ongole, dated :07.01.2009 is neither illegal, nor contrary to Rules, and reasonable opportunity was given to the appellant to prove his caste claim.

III. Finally, the Appellate Authority has observed /opined that;

1. The Appeal petition is of 2009 and appellant is frequently seeking adjournments. On 23.08.2021 also he sought for adjournment by filing petition through mail. The same is rejected since it is a long pending case, treated as heard.
2. The appellant submitted his arguments as per his grounds in appeal petition and has stated that the lower authority failed to consider that his surname mistakenly entered as Elika instead of Melika and he had relation with Melika people who are ST community and if the same is considered, it can be concluded that he is entitled to the ST community certificate.
3. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he belongs to ST Community and moreover, the lower authority carefully considered all the documents produced by the appellant and came to a conclusion that the appellant does not belongs to ST community.
4. As per the Act, the burden of proving that the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence, it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the lower authority.
5. That taking consideration of the above and the material available on the record, it can be concluded that the lower authority passed the order as per law which does not deserve any interference and accordingly the Proceeding of lower authority is hereby upheld and the appeal petition is hereby dismissed.

5. Government, after careful examination of the appeal petition and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Elika Ramesh S/o Rupas, Gandhi Nagar, Chirala (M), Prakasam District does not deserve any interference, hence, the same is hereby dismissed, upholding the Proceedings of the District Collector, Prakasam District in Rc.No.C4/50/200, dtd.07.01.2009 and the caste certificate issued by the then Tahsildar, Chirala, is deemed to be cancelled.

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6. The District Collector, Prakasam is directed to take necessary consequential action in the matter.

7. The records (D. Dis. No.C4/50/2007, dated 20.09.2009, containing pages (CF: 1 to 273, NF: 1 to 24) received from the District Collector, Prakasam through in the reference 4th read above, are returned herewith in original to the District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, Prakasam at Ongole.(w.e.)
(With original records)

The MRO,
Andhra Ratna Road, Muntha vari Centre,
Chirala, Prakasam District, A.P-523155.

Sri E. Ramesh,
Secondary Grade Teacher, Govt. Primary School,
Near Court Buildings, Perala,
Gandhinagar, Chirala, Prakasam District.

Sri P.Narasimha Reddy, Advocate, Law Chambers,
Opp: Nampally Criminal Courts Complex, Hyderabad.

Copy to:
The OSD to Hon'ble Deputy CM(TW).
The PS to Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER